No. RD 31 AQO 70 (B), dated 17th September 1971.

In exercise of the powers conferred by Section 42 of the Land Acquisition Act (1 of 1894) as amended by the Mysore Act 17 of 1961, the agreement entered into by the President, Srimangala Circle Education Society, Srimmagala, with the Government of Mysore as annexed hereto is published as required by the said section.

AGREEMENT

An agreement made this the twenty fifth day of June, one thousand and nine hundred and seventy between the President, Srimanga a Circle Education Society, registered under the Registration Act of 1861, and having its registered office at Srimangala Coorg District (hereinafter called "The Society" which expression shall, unless excluded by or repugnant to the context, be deemed to include its successors and assigns) of the one part, and the Governor of Mysore of the other part.

Whereas the principal objects for which the society is established are :—

(a) To establish in Srimangala and in Coorg District a High School which shall cater to the educational needs of the students of the said belonging to every community.

(b) To organise whenever necessary, Public Opinion on matters of eductional importance.

(c) To undertake and carry out any other steps calculated to promote the above objects.

and Whereas the Society has applied to the Government of Mysore (hereinafter referred to as the Government) that certain lands necessary (three acres, by No. 66 1 in Srimangala village, Virajpet Taluk, Coorg district) more particularly described in the Schedule hereto annexed and hereinafter referred to as to the said land should be acquired under the provisions of the land acquisition Act, 1894 (Central Act No. 1 of 1894) as amended by the Land Acquisition Act, 1894 (Mysore Extension and Amendment) Act 1961 (Mysore Act 17 of 1961) (Hereinafter referred to as the said Act), for the following purposes, namely :—

"To provide play ground to Srimangala Higher Secondary School, Srimangala, Virajpet Taluk, Coorg District.

And whereas the Government, having caused an inquiry to be made in conformity with the provisions of the said Act and being satisfied as result of such inquiry that the acquisition of the said land is needed for the play ground aforesaid to the provision of the said Act being put in force in order to acquire the said land for the Society and has pursuant to Section 41 of the said Act required the society has to enter into an agreement hereinafter contained with the Government.

Now these presents, witness and it is hereby agreed that the Government shall put in force the provisions of the said Act in order to acquire the said land for the Society on the following conditions namely :—

1. The Society shall pay to the Government the entire cost as determined by the Government of the acquisition of the said land, including all compensation, damages, costs, charges and other expenses whatsoever, which have been or may be paid or incurred in respect of or on account of such acquisition or in connection with any litigation arising out of such acquisition either in the original or appellate courts and including the costs on account of any establishment and salaries of any officer or officers of the Government whom the Government may think it necessary to employ or depute on special duty for the purpose of such acquisition and as including the percentage charges on the total amount of compensation awarded as prescribed by Government or any other order which may be issued by the Government here matter in supersession of modification of the said orders. The monies which shall be payable by the Society under this clause shall be paid by it by the initial deposit with the Deputy Commissioner, Coorg, Hereinafter called the Deputy Commissioner) of the sum of Rupees within seven days after the execution of this agreement and thereafter by payment to the Deputy Commissioner within fourteen days after demand by the Deputy Commissioner in writing of such further amount or amounts as the Deputy Commissioner shall from time to time estimate be required for the purpose of paying or disbursing any compensation, damages, costs, charges or expenses herein before referred to,

2. On payment of the entire cost of the acquisition of the said land as hereinabove referred to, the whole of the said land shall as soon as conveniently may be, be transferred to the Society, at the cost in every respect of the Society and to vest in the Society, subject to the provisions of the Mysore Land Revenue Act, 1964 (hereinafter called the "Land Act" and the rules made thereunder and subject also to the provisions of this agreement as to the terms on which the land shall be held by the Society.

3. The said land when so transferred to and vested in the Society, shall be held by the Society as its property to be used only in furtherance of and for purpose for which it is acquired, subject nevertheless to the payment of agricultural non agricultural or other assessment if and so far as the said land is or may from time to time be liable to which assessment under the provisions of the said Act and the rules made thereunder, and the local cesses, as the case may be.

4. (i) That the Society shall not, except with the previous sanction of the appropriate Government, use the land for any purpose other than that for which it is acquired.

(ii) That the time within which the play ground or amenities directly connected therewith shall be erected or provided or the building or work shall be constructed or executed shall not exceed three years from the date of transfer of the land to the Society.

(iii) That where the appropriate Government is satisfied after such enquiry, as it may deem necessary by reason beyond its control from erecting, providing constructing or executing play ground or amenities or work within the time specified in the agreement the appropriate Government may extend the time for that purpose by a period not exceeding one year at a time so however that the total period of extension shall not exceed three years.

(iv) That if the Society commits a breach of any of the conditions provided for in the agreement, the appropriate Government may take an order declaring the transfer of the land to the Society as null and void where upon the land shall revert back to the appropriate Government and directing that an amount not exceeding one fourth of the amount paid by the Society to the appropriate Government as the cost of acquisition under clause (1) of the Section 4 of the Act shall be forfeited to the appropriate Government as damages and the balance shall be refunded to the Society, and the order so made shall be final and binding.

(v) That if the Society utilises only a portion of the land for the purpose for which it was acquired and the appropriate Government if satisfied that the Society can continue to utilise the portion of land used by it even if the unutilised part there of resumed, the appropriate Government may make an order declaring the transfer of the land with respect to the unutilised portion thereof as null and void whereupon such unutilised portion shall revert back to the appropriate Government and directing that an amount not exceeding one fourth of such portion of the amount paid by the Society as cost of the acquisition under clause (1) of the Section 4 of the Act as is relatable to the unutilised portion shall be forfeited to the appropriate Government as damages and that balance of that portion shall be refunded to the Society and the order so made shall Subject to the provisions of the clause (vi be final and binding.

(vi) That where there is any dispute with regard to the amount relatable to the unutilised portion of the land such dispute shall be referred to the court within whose jurisdiction the land or any part thereof is situated and the decision of the court thereon shall be final.

(vii) Where the Society commits a breach of any of the terms of the agreement, the appropriate Government shall not make an order under clause (iv) or clause (v) above unless the Society has been given an opportunity of being heard in the matter.

(viii) The appropriate Government shall consult the committee before according any Sanction under clause (i) above or extending the time under clause (iii) above or making any order under clause (iv) or clause (v) above.

5. (i) That is any case of urgency where possession of any land as proposed to be taken under Section 17 before an award has been made under Section 11 of the Act, the Society shall deposit with the Deputy Commissioner, Coorg free of interest such amount (being not more than 2/3 of the approximate amount of compensation payable in respect of the land as determined under clause (iii) os sub-rule 2 of rule 4 of land Acquisition (company) Rules, 1963 and within such time as the Deputy Commissioner, Coorg thinks fit, to specify in this behalf.

(ii) Where any amount has been deposited with the Deputy Commissioner, under sub-clause 1 of clause 5 the Deputy Commissioner shall tender payment of the amount so deposited to the person interested who, in the opinion of the Deputy Commissioner are entitled to receive payment of complensation under sub-section (1) of Section 31 of the Act and shall pay it to them.

Unless prevented by some one or more of the contingencies mentioned in sub-section (2) of Section 31 of the Act, subject to the following conditions namely :—

1. The execution of an agreement by each recepient that amount received by him would be adjusted against the compensation finally awarded and that where the amount received by him exceeds the amount of the compensation finally awafded, the excess amount shall be recoverable from him as arrears of Land revenue and that he shall not claim any interest under the provisions of the Act in respect of the amount received by him under this sub-clause and

2. The execution of a bond by each recipient with or without security as the Deputy Commissioner may decide undertaking to indmnify the appropriate Government against any claim for compensation or part there of by any other person.

3. If the amount deposited by the Society under sub-clause, (1) of clause 5 or any part thereou is not paid under Sub-clause (2) of clause 5 the Deputy Commissioner shall as soon as possible, refund the same to the Society

All the costs and expenses of and incidental to the preparation and execution of these presents shall be paid by the society.

THE SCHEDULE ABOVE REFERRED TO

District : Coorg Taluk : Virajpet Village : Srimangala

Sy. No.	area
66/42	3-00 acres bounded by East 66/1, West 66/31, North 66/1 and South 66/1.

In witness thereof Shri M. A. Karumbaiah, President hath for and on behalf of the Srimangala Circle Education Society set his hand and the seal of Society and the Deputy Commissioner of Coorg hath on behalf of the Government of Mysore, set his hand and affixed the seal hereto the day and year first above written.

Signed, sealed and delivered by :

In the presence of :

(1) (Sd) .....

(Sd) .....
President,
Srimangala Higher Secondary School,
Srimangala (Coorg).

(2) (Sd) .....

Signed, sealed and delivered by :

In the presence of

(1) (Sd) .....

(2) (Sd) .....

(Sd) .....
(K Narasimha murthy,)
Deputy Commissioner, Coorg District,
Mercara.

For and on behalf of the Governor of Mysore,

By Order and in the name of the President of India,

B. P. KRISHNA,

2091 *Under Secretary to Government, R.D.*

ADDENDUM

No. RD 370 AQL 71, dated 16th September 1971.

In the Note at the end of the Notification No. RD 517 AQL 69 dated 17th December 1969 published under section 6 of the Land Acquisition Act on pages 107 & 108 in Part III—1 of the *Mysore Gazette* dated 8th January 1970 relating to the acquisition of lands for construction of Left Bank Diversion Road in the Village limits of Karlakatti, Chakrageri and Kagihal, Taluka Parasgad, Distt. Belgaum after the entry Block No. 66, measuring 0-19 gunthas against the Village Kagihal the following additions are made.

Block Nos.	Area (A-Gs.)
49	0-02
57	0-11
58	0-12
59	0-10
Total	0-35

By Order and in the name of the President of India,

B. P. KRISHNA,

2106 *Under Secretary to Government, R. D.,*

ERRATA

No. RD 209 AQG 71. Dated 9th September 1971,

In the notification u/s 4(1) of the Land Acquisition Act and Section 6 of the Land Acqusitions Act, approval in the G. O. No RD. 253 AQG. 69 dated/-18th December 1969, and No. RD 71 AQG 71 dated/-21st April, 1971, published in the *Mysore Gazette* dated/-15th January 1970 and 24th June 1971 respectively for the acquistion of lands for construction of road from Gurmitkal to Chandarki Tq. Yadgiri, the following corrections shall be noted.

For	*Read:*
Section 4(1) Notification :	
Against Sl. No. 19 under Column No. 2. Yellappa s/o Ashna	Mallappa s/o Ashanna
Section 6 Motification :	
1. Against Sl No. 2 under Column No. 2. Yenkappa s/o Asbanna	Mallappa s/o Ashanna
2. Under column 8 Sy.No. 471	Sy. No. 478

By Order and in the name of the President of India,

B. P. KRISHNA,

2013 *Under Secretary to Government R.D.*